

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

THE ROMAN CATHOLIC DIOCESE OF
ROCKVILLE CENTRE, NEW YORK,¹
Debtor.

THE ROMAN CATHOLIC DIOCESE OF
ROCKVILLE CENTRE, NEW YORK,

Plaintiff,

v.

Ark320 Doe, et al.,²

Defendants.

Chapter 11

Case No. 20-12345 (SCC)

Adv. Pro. No. 20-01226

**STIPULATED SCHEDULING ORDER WITH RESPECT TO DEBTOR'S MOTION
FOR PRELIMINARY INJUNCTION UNDER SECTIONS 362 AND 105(a) OF THE
BANKRUPTCY CODE**

The Court, having considered the joint request of The Roman Catholic Diocese of Rockville Centre, New York, (the “Debtor”), on the one hand, and the Official Committee of Unsecured Creditors (“Committee” and together with the Debtor, the “Parties”), on the other hand, to enter the scheduling order reflected herein with respect to the *Debtor's Motion for Preliminary Injunction Under Sections 362 and 105(a) of the Bankruptcy Code* [Docket No. 126] (the “Motion”); and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, the Court finds that good and sufficient cause exists to enter this Scheduling Order. Therefore, it is hereby **ORDERED**:

¹ The Debtor in this chapter 11 case is The Roman Catholic Diocese of Rockville Centre, New York, the last four digits of its federal tax identification number are 7437, and its mailing address is P.O. Box 9023, Rockville Centre, NY 11571-9023.

² A full list of the Defendants in this adversary proceeding is included in Exhibit A to the Verified Complaint for Declaratory and Injunctive Relief [Adv. Pro. Docket No. 1].

1. The Parties anticipate that an evidentiary hearing on the Motion will be set for the **week of April 3, 2023** or as soon thereafter as the Court deems appropriate. Unless the Court determines otherwise, the hearing will be conducted as a hybrid hearing and the parties and witnesses may appear in person or by Zoom.

2. Requests for written discovery shall be served on or before **January 18, 2023**, unless otherwise agreed in writing by the Parties.

3. Responses and/or objections to written discovery shall be served on or before **February 1, 2023**, unless otherwise agreed in writing by the Parties.

4. All responsive, non-privileged documents shall be produced on or before **February 1, 2023**, unless otherwise agreed in writing by the Parties.

5. The Parties shall identify the fact witness they intend to call at the hearing on or before **February 1, 2023**.

6. Depositions of fact witnesses shall be scheduled and concluded on or before **March 3, 2023**, unless otherwise agreed in writing by the Parties.

7. The Parties agree that neither evidence of claim values, nor expert testimony shall be introduced at the hearing.

8. Subject to the Court's approval, the Parties agree that (a) the Committee's Opposition to the Debtor's Motion may exceed 25 pages in length, but must not exceed 50 pages, and (b) the Diocese's Reply may exceed 10 pages in length, but must not exceed 20 pages.

9. The Committee's Opposition to the Debtor's Motion shall be filed on or before **March 10, 2023**, unless otherwise agreed in writing by the Parties.

10. The Debtor's Reply shall be filed on or before **March 24, 2023**, unless otherwise agreed in writing by the Parties.

11. Declarations setting forth the direct testimony of witnesses and all referenced exhibits will be filed on the docket and served on or before March 27, 2023, unless otherwise agreed in writing by the Parties. For the avoidance of doubt, a declaration must be filed for any witness offering direct testimony whether or not that witness has submitted a prior declaration in support of or in opposition to the Motion.

12. Any pre-hearing motions, including motions *in limine* shall be filed by March 31, 2023.

13. Unless otherwise stated, all deadlines set forth above are effective as of 5:00 p.m. (Eastern Time) on each applicable date.

14. For purposes of the Motion, the Parties have agreed to certain facts relating to insurance coverage (“Agreed Coverage Summary”). The Agreed Coverage Summary contains confidential information about individual proofs of claim and associated state court complaints and, therefore, will be filed separately under seal as soon as practicable upon the joint request of the Parties. The Agreed Coverage Summary is subject to qualifications as stated therein.

15. By letter dated September 1, 2022, counsel for the Diocese submitted the Agreed Coverage Summary to the Court, requesting permission on behalf of both the Diocese and the Committee to file certain portions of such summary under seal pursuant to Bankruptcy Code section 107(b) and Federal Rule of Bankruptcy Procedure 9018. That request was mooted by the parties’ stipulation extending the preliminary injunction, dated September 12, 2022 [Adv. Docket No. 141]. The Diocese shall re-file the Agreed Coverage Summary on or before February 1, 2023, ensuring that a redacted version is publicly available on the docket and an unredacted version is available to (i) the Court, (ii) the Debtor, (iii) the Committee, and (iv) upon request, other Authorized Parties, as that term is defined in the Order Establishing Deadlines for Filing Proofs of

Claim and Approving the Form and Manner of Notice Thereof, dated January 27, 2021 [Docket No. 333], subject to the limitations of their authorization, as set forth therein.

16. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

END OF ORDER # #

Submitted by:

/s/ Karen B. Dine

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